

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0358

HOUSE BILL NO. 1075

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to require certain criminal record checks in adoption home
2 studies for children in the custody of the Department of Social Services.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 25-6-9.1 be amended to read as follows:

5 25-6-9.1. No person may place a child in a home for adoption until a home study has been
6 completed by a licensed child placement agency as defined in § 26-6-14, the Department of
7 Social Services, or a certified social worker eligible to engage in private independent practice
8 as defined in § 36-26-17. Any person who submitted home studies under this section or under
9 § 26-4-15 prior to July 1, 1990, may continue to submit home study reports without meeting the
10 above requirements. A home study shall include a fingerprint based criminal record check
11 completed by the Division of Criminal Investigation and a central registry screening completed
12 by the Department of Social Services. In addition, no child who is in the custody of the
13 Department of Social Services may be placed in a home for adoption until a fingerprint based
14 criminal record check has been completed by the Federal Bureau of Investigation for each
15 adopting parent. Any person who violates the provisions of this section is guilty of a Class 1



1 misdemeanor.